



U.S. Department of Justice

Criminal Division

Fraud Section

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VIA ECF AND HAND DELIVERY

Chambers of the Honorable Colleen McMahon
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: United States v. Connolly, 16-CR-370

Dear Chief Judge McMahon:

The government writes with respect to two issues raised by the defendants' reply brief in support of their prosecutorial misconduct motion. ECF No. 425.

First, the government, in its opposition to that motion, inadvertently misquoted the transcript of an audio exhibit. The correct transcript was attached to the government's brief and filed on the docket, *see* ECF No. 413-36, but language from an earlier draft of the transcript was quoted in the argument section of the brief itself. The transcript (GX 1-132T) had been revised to include defense edits, which appear in the final version of the transcript used at trial. The quote provided in the defense reply brief includes those edits and is the correct quote.

Second, in their reply, the defense includes arguments related to Mr. Parietti's February 8, 2019, sentencing hearing, *see* ECF No. 425 at 54-56, before Judge Engelmayer, that occurred between the filing of the government's opposition brief and the filing of the defendants' reply brief. The government notes that Judge Engelmayer's colloquy with the government and Mr. Parietti's counsel on the issue of a purported "side deal" is highly relevant. *See* Case No. 16-cr-373 (PAE), ECF No. 21 (transcript). Thus, if the Court would find further discussion of

the hearing to be helpful, the government seeks permission to file a brief sur-reply addressing the issue.

Respectfully submitted,

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